

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

WALKER DIGITAL, LLC,

Plaintiff,

v.

CAPCOM ENTERTAINMENT, INC., CAPCOM U.S.A., INC., ELECTRONIC ARTS, INC., KONAMI DIGITAL ENTERTAINMENT, INC., MICROSOFT CORP., SEGA OF AMERICA, INC., SONY COMPUTER ENTERTAINMENT AMERICA LLC, SQUARE ENIX OF AMERICA HOLDINGS, INC., SQUARE ENIX, INC., THQ INC., and UBISOFT, INC.

Defendants.

C.A. No. 11-368-GMS

**JURY TRIAL DEMANDED**

**DEFENDANT MICROSOFT CORPORATION'S ANSWER AND COUNTERCLAIM  
TO COMPLAINT FOR PATENT INFRINGEMENT**

Defendant Microsoft Corporation ("Microsoft"), by and through its attorneys, hereby answers the Complaint for Patent Infringement of Plaintiff Walker Digital, LLC ("Walker Digital"). Microsoft denies each and every allegation in the Complaint that is not expressly admitted below. Microsoft specifically responds as follows:

**JURISDICTION AND VENUE**

1. Microsoft admits that the Complaint purports to state a claim arising under the patent laws of the United States, Title 35 of the United States Code. Microsoft denies any remaining allegations in paragraph 1.

2. Microsoft admits the Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a). Microsoft denies any remaining allegations in paragraph 2.

3. Solely for the purposes of this matter, Microsoft does not contest personal jurisdiction in this District. Microsoft denies that it has committed any acts of infringement within this or any other district and denies any remaining allegations of paragraph 3.

4. Solely for the purposes of this matter, Microsoft admits that, with respect to Microsoft, venue is proper in the District of Delaware. To the extent that paragraph 4 seeks admission by Microsoft with respect to its co-defendants in this matter, Microsoft is without knowledge or information sufficient to form a belief as to the truth of such allegations and therefore denies the same. Microsoft denies that this is the most convenient venue for this action.

### **PARTIES**

5. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 5 of the Complaint and therefore denies them.

6. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 6 of the Complaint and therefore denies them.

7. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 7 of the Complaint and therefore denies them.

8. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 8 of the Complaint and therefore denies them.

9. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 9 of the Complaint and therefore denies them.

10. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 10 of the Complaint and therefore denies them.

11. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 11 of the Complaint and therefore denies them.

12. Microsoft admits the allegations of paragraph 12 of the Complaint.

13. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 13 of the Complaint and therefore denies them.

14. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 14 of the Complaint and therefore denies them.

15. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 15 of the Complaint and therefore denies them.

16. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 16 of the Complaint and therefore denies them.

17. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 17 of the Complaint and therefore denies them.

18. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 18 of the Complaint and therefore denies them.

19. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 19 of the Complaint and therefore denies them.

20. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 20 of the Complaint and therefore denies them.

#### **FACTUAL BACKGROUND**

21. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 21 of the Complaint and therefore denies them.

22. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 22 of the Complaint and therefore denies them.

23. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 23 of the Complaint and therefore denies them.

24. Microsoft admits that U.S. Patent No. 6,224,486 (“the ’486 patent”) is entitled “Database Driven Online Distributed Tournament System.” Microsoft admits that Exhibit 1 appears to be a copy of the ’486 patent, but lacks sufficient information to verify its authenticity. Microsoft denies that the ’486 patent was duly and legally issued. Microsoft is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations of paragraph 24, and therefore denies them.

25. Microsoft admits that U.S. Patent No. 6,425,828 (“the ’828 Patent”) is entitled “Database Driven Online Distributed Tournament System.” Microsoft admits that Exhibit 2 appears to be a copy of the ’828 patent, but lacks sufficient information to verify its authenticity. Microsoft denies that the ’828 patent was duly and legally issued. Microsoft is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations of paragraph 25, and therefore denies them.

26. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 26 of the Complaint and therefore denies them.

27. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 27 of the Complaint and therefore denies them.

28. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 28 of the Complaint and therefore denies them.

29. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 29 of the Complaint and therefore denies them.

30. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 30 of the Complaint and therefore denies them.

31. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 31 of the Complaint and therefore denies them.

32. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 32 of the Complaint and therefore denies them.

33. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 33 of the Complaint and therefore denies them.

34. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 34 of the Complaint and therefore denies them.

35. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 35 of the Complaint and therefore denies them.

36. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 36 of the Complaint and therefore denies them.

37. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 37 of the Complaint and therefore denies them.

38. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 38 of the Complaint and therefore denies them.

39. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 39 of the Complaint and therefore denies them.

40. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 40 of the Complaint and therefore denies them.

41. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 41 of the Complaint and therefore denies them.

42. Microsoft denies the allegations in paragraph 42 of the Complaint that are directed towards Microsoft.

43. Microsoft denies the allegations in paragraph 43 of the Complaint that are directed towards Microsoft.

44. Microsoft denies the allegations in paragraph 44 of the Complaint that are directed towards Microsoft.

45. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 45 of the Complaint and therefore denies them.

46. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 46 of the Complaint and therefore denies them.

47. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 47 of the Complaint and therefore denies them.

48. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 48 of the Complaint and therefore denies them.

49. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 49 of the Complaint and therefore denies them.

50. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 50 of the Complaint and therefore denies them.

51. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 51 of the Complaint and therefore denies them.

52. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 52 of the Complaint and therefore denies them.

53. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 53 of the Complaint and therefore denies them.

54. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 54 of the Complaint and therefore denies them.

55. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 55 of the Complaint and therefore denies them.

56. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 56 of the Complaint and therefore denies them.

57. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 57 of the Complaint and therefore denies them.

58. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 58 of the Complaint and therefore denies them.

59. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 59 of the Complaint and therefore denies them.

60. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 60 of the Complaint and therefore denies them.

61. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 61 of the Complaint and therefore denies them.

62. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 62 of the Complaint and therefore denies them.

**CLAIMS FOR RELIEF**

**First Count of Infringement  
The '486 Patent Against 2K Games**

63. Microsoft incorporates by reference its responses to paragraphs 1-62 as if repeated verbatim.

64. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 64 of the Complaint and therefore denies them.

65. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 65 of the Complaint and therefore denies them.

**Second Count of Infringement  
The '828 Patent Against 2K Games**

66. Microsoft incorporates by reference its responses to paragraphs 1-62 as if repeated verbatim.

67. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 67 of the Complaint and therefore denies them.

68. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 68 of the Complaint and therefore denies them.

**Third Count of Infringement  
The '486 Patent Against 2K Sports**

69. Microsoft incorporates by reference its responses to paragraphs 1-62 as if repeated verbatim.

70. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 70 of the Complaint and therefore denies them.

71. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 71 of the Complaint and therefore denies them.

**Fourth Count of Infringement  
The '828 Patent Against 2K Sports**

72. Microsoft incorporates by reference its responses to paragraphs 1-62 as if repeated verbatim.

73. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 73 of the Complaint and therefore denies them.

74. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 74 of the Complaint and therefore denies them.

**Fifth Count of Infringement  
The '486 Patent Against Capcom Entertainment**

75. Microsoft incorporates by reference its responses to paragraphs 1-62 as if repeated verbatim.

76. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 76 of the Complaint and therefore denies them.

77. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 77 of the Complaint and therefore denies them.

**Sixth Count of Infringement  
The '486 Patent Against Capcom USA**

78. Microsoft incorporates by reference its responses to paragraphs 1-62 as if repeated verbatim.

79. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 79 of the Complaint and therefore denies them.

80. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 80 of the Complaint and therefore denies them.

**Seventh Count of Infringement  
The '486 Patent Against EA**

81. Microsoft incorporates by reference its responses to paragraphs 1-62 as if repeated verbatim.

82. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 82 of the Complaint and therefore denies them.

83. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 83 of the Complaint and therefore denies them.

**Eighth Count of Infringement  
The '828 Patent Against EA**

84. Microsoft incorporates by reference its responses to paragraphs 1-62 as if repeated verbatim.

85. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 85 of the Complaint and therefore denies them.

86. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 86 of the Complaint and therefore denies them.

**Ninth Count of Infringement  
The '486 Patent Against KDE**

87. Microsoft incorporates by reference its responses to paragraphs 1-62 as if repeated verbatim.

88. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 88 of the Complaint and therefore denies them.

89. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 89 of the Complaint and therefore denies them.

**Tenth Count of Infringement  
The '828 Patent Against KDE**

90. Microsoft incorporates by reference its responses to paragraphs 1-62 as if repeated verbatim.

91. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 91 of the Complaint and therefore denies them.

92. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 92 of the Complaint and therefore denies them.

**Eleventh Count of Infringement  
The '486 Patent Against Microsoft**

93. Microsoft incorporates by reference its responses to paragraphs 1-62 as if repeated verbatim.

94. Microsoft denies the allegations in paragraph 94 of the Complaint that are directed towards Microsoft.

95. Microsoft denies the allegations in paragraph 95 of the Complaint that are directed towards Microsoft.

**Twelfth Count of Infringement  
The '486 Patent Against Rockstar**

96. Microsoft incorporates by reference its responses to paragraphs 1-62 as if repeated verbatim.

97. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 97 of the Complaint and therefore denies them.

98. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 98 of the Complaint and therefore denies them.

**Thirteenth Count of Infringement  
The '486 Patent Against Sega**

99. Microsoft incorporates by reference its responses to paragraphs 1-62 as if repeated verbatim.

100. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 100 of the Complaint and therefore denies them.

101. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 101 of the Complaint and therefore denies them.

**Fourteenth Count of Infringement  
The '486 Patent Against SCEA**

102. Microsoft incorporates by reference its responses to paragraphs 1-62 as if repeated verbatim.

103. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 103 of the Complaint and therefore denies them.

104. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 104 of the Complaint and therefore denies them.

**Fifteenth Count of Infringement  
The '828 Patent Against SCEA**

105. Microsoft incorporates by reference its responses to paragraphs 1-62 as if repeated verbatim.

106. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 104 of the Complaint and therefore denies them.

107. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 107 of the Complaint and therefore denies them.

**Sixteenth Count of Infringement  
The '486 Patent Against Square Enix Holdings**

108. Microsoft incorporates by reference its responses to paragraphs 1-62 as if repeated verbatim.

109. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 109 of the Complaint and therefore denies them.

110. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 110 of the Complaint and therefore denies them.

**Seventeenth Count of Infringement  
The '828 Patent Against Square Enix Holdings**

111. Microsoft incorporates by reference its responses to paragraphs 1-62 as if repeated verbatim.

112. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 112 of the Complaint and therefore denies them.

113. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 113 of the Complaint and therefore denies them.

**Eighteenth Count of Infringement  
The '486 Patent Against Square Enix**

114. Microsoft incorporates by reference its responses to paragraphs 1-62 as if repeated verbatim.

115. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 115 of the Complaint and therefore denies them.

116. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 116 of the Complaint and therefore denies them.

**Nineteenth Count of Infringement  
The '828 Patent Against Square Enix**

117. Microsoft incorporates by reference its responses to paragraphs 1-62 as if repeated verbatim.

118. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 118 of the Complaint and therefore denies them.

119. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 119 of the Complaint and therefore denies them.

**Twentieth Count of Infringement  
The '486 Patent Against Take-Two**

120. Microsoft incorporates by reference its responses to paragraphs 1-62 as if repeated verbatim.

121. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 121 of the Complaint and therefore denies them.

122. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 122 of the Complaint and therefore denies them.

**Twenty-first Count of Infringement  
The '828 Patent Against Take-Two**

123. Microsoft incorporates by reference its responses to paragraphs 1-62 as if repeated verbatim.

124. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 124 of the Complaint and therefore denies them.

125. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 125 of the Complaint and therefore denies them.

**Twenty-second Count of Infringement  
The '486 Patent Against THQ**

126. Microsoft incorporates by reference its responses to paragraphs 1-62 as if repeated verbatim.

127. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 127 of the Complaint and therefore denies them.

128. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 128 of the Complaint and therefore denies them.

**Twenty-third Count of Infringement  
The '828 Patent Against THQ**

129. Microsoft incorporates by reference its responses to paragraphs 1-62 as if repeated verbatim.

130. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 130 of the Complaint and therefore denies them.

131. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 131 of the Complaint and therefore denies them.

**Twenty-fourth Count of Infringement  
The '486 Patent Against Ubisoft**

132. Microsoft incorporates by reference its responses to paragraphs 1-62 as if repeated verbatim.

133. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 133 of the Complaint and therefore denies them.

134. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 134 of the Complaint and therefore denies them.

**Twenty-fifth Count of Infringement  
The '828 Patent Against Ubisoft**

135. Microsoft incorporates by reference its responses to paragraphs 1-62 as if repeated verbatim.

136. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 136 of the Complaint and therefore denies them.

137. Microsoft does not have sufficient information to admit or deny the allegations in paragraph 137 of the Complaint and therefore denies them.

**DEMAND FOR JURY TRIAL**

This paragraph sets forth Walker Digital's request for a jury trial, to which no response is required. To the extent any admission or denial may be required, Microsoft admits that Plaintiff purports to request a trial by jury of any issues so triable by right.

**PRAYER FOR RELIEF**

Microsoft denies that Walker Digital is entitled to any relief from Microsoft or the Court, either as prayed for in the Complaint or otherwise.

**AFFIRMATIVE DEFENSES**

138. Further answering the Complaint, Microsoft asserts the following affirmative defenses. In doing so, Microsoft does not assume the burden of proof with respect to those related matters for which, pursuant to law, Plaintiff bears the burden. In addition to the affirmative defenses described below, Microsoft specifically reserves the right to allege additional affirmative defenses as they become known through the course of discovery.

**First Defense**

139. Microsoft does not infringe and has not infringed (not directly, contributorily, or by inducement) and is not liable for infringement of any valid and enforceable claim of the '486 patent.

**Second Defense**

140. The claims of the '486 patents is invalid and/or unenforceable for failure to satisfy one or more of the conditions of patentability set forth in Title 35 of the United States Codes, including, but not limited to, 35 U.S.C. §§ 101, 102, 103, 112, 115, and 116.

**Third Defense**

141. Walker Digital's claim for damages, if any, against Microsoft for alleged infringement of the '486 is limited by 35 U.S.C. §§ 286, 287, and/or 288.

**Fourth Defense**

142. Walker Digital is estopped from construing the claims of the '486 patent in such a way as to encompass subject matter disclaimed by the amendments and/or arguments that it made in order to obtain allowance of the '486 patent.

**Fifth Defense**

143. Walker Digital is not entitled to any injunctive relief because any injury to Walker Digital is neither immediate nor irreparable and because Walker Digital LLC has adequate remedies at law.

**Sixth Defense**

144. Walker Digital pled no valid basis for finding an exceptional case.

**Seventh Defense**

145. Any and all products or actions accused of infringement have substantial uses that do not infringe and do not induce or contribute to the alleged infringement of the claims of the '486 patent.

**Eighth Defense**

146. Walker Digital's Complaint fails to state a claim upon which relief can be granted.

**Ninth Defense**

147. Walker Digital's Complaint fails to state a claim of indirect infringement upon which relief can be granted.

**Tenth Defense**

148. Walker Digital's claims are unenforceable due to laches because of Walker Digital's unreasonable delay in asserting the '486 patent.

**Eleventh Defense**

149. Walker Digital's claims are barred in whole or in part by the doctrine of disclaimer.

**Twelfth Defense**

150. On information and belief, Microsoft has not engaged in any conduct that entitles Walker Digital to attorneys' fees or costs.

**Thirteenth Defense**

151. Walker Digital's claims are barred in whole or in part due to Walker Digital's failure to mitigate damages, if any.

**Fourteenth Defense**

152. Walker Digital's claims are barred in whole or in part by the doctrines of waiver, unclean hands, equitable estoppel, estoppel, and/or prosecution history estoppel.

**COUNTERCLAIMS**

Pursuant to Rule 13 of the Federal Rules of Civil Procedure, Microsoft, for its Counterclaims against Walker Digital, alleges as follows:

**THE PARTIES**

153. Microsoft is a corporation organized and existing under the laws of the State of Washington, with its principal place of business at One Microsoft Way, Redmond, WA, 98052-6399.

154. Upon information and belief, Plaintiff Walker Digital, LLC is a limited liability company with its principal place of business located 2 High Ridge Park, Stamford, Connecticut 06905.

**JURISDICTION AND VENUE**

155. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) and by virtue of Walker Digital's admissions in the Complaint that venue is proper in this District.

156. This Court has personal jurisdiction over Walker Digital under 28 U.S.C. § 1391(b) and (c), and Federal Rule of Civil Procedure 13(a)(1).

157. This Court has subject matter jurisdiction over these Counterclaims pursuant to 28 U.S.C. §§ 1331, 1338(a), 2201, and 2202, and Federal Rule of Civil Procedure 13(a)(1).

**COUNT I**  
**Declaratory Judgment of Non-Infringement of the '486 Patent**

158. Microsoft restates and incorporates by reference its allegations in paragraphs 153-157 of its Answer and Counterclaims.

159. An actual case or controversy exists between Microsoft and Walker Digital as to whether the '486 patent is infringed by Microsoft.

160. A judicial declaration is necessary and appropriate so that Microsoft may ascertain its rights regarding the '486 patent.

161. Microsoft has not infringed and does not infringe, directly or indirectly, any valid and enforceable claim of the '486 patent.

**COUNT II**  
**Declaratory Judgment of Invalidity and/or Unenforceability of the '486 Patent**

162. Microsoft restates and incorporates by reference its allegations in paragraphs 153-157 of its Counterclaims.

163. The '486 patent is invalid under 35 U.S.C. § 101 because it fails to claim patentable subject matter insofar as it seeks to claim an abstract idea.

164. The '486 patent is invalid and/or unenforceable for failure to satisfy one or more of the conditions of patentability set forth in Title 35 of the United States Code, including, but not limited to, 35 U.S.C. §§ 101, 102, 103, 112, 115, and 116.

**EXCEPTIONAL CASE**

165. On information and belief, this is an exceptional case entitling Microsoft to an award of its attorneys' fees incurred in connection with defending and prosecuting this action pursuant to 35 U.S.C. § 285, as a result of, *inter alia*, Walker Digital's assertion of the '486 patent against Microsoft with the knowledge that Microsoft does not infringe any valid or

enforceable claim of the '486 patent and/or that the '486 patent was invalid and/or unenforceable.

**PRAYER FOR RELIEF**

WHEREFORE, Microsoft prays for judgment as follows:

- a. A judgment dismissing Walker Digital's Complaint against Microsoft with prejudice;
- b. A judgment declaring that Microsoft has not infringed, contributed to the infringement of, or induced others to infringe, either directly or indirectly, any valid and enforceable claim of the '486;
- c. A judgment declaring that the '486 patent is invalid and unenforceable;
- d. A judgment declaring that Microsoft has not willfully infringed and is not willfully infringing any valid and/or enforceable claim of the '486 patent.
- e. A judgment declaring that this case is exceptional and an award of reasonable costs and expenses of litigation, including attorneys' fees and expert witness fees;
- f. A judgment limiting or barring Walker Digital's ability to enforce the '486 patent in equity;
- g. Such other and further relief as this Court may deem just and proper.

**JURY DEMAND**

In accordance with Fed. R. Civ. P. 38(b), Microsoft demands a trial by jury on all issues so triable.

Dated: July 11, 2011

FISH & RICHARDSON P.C.

By: /s/ Lauren Murphy Pringle  
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**ATTORNEY FOR DEFENDANT  
MICROSOFT CORPORATION**